

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To:

The Monroe County Planning Commission

From:

Steven Biel, Sr. Planner

Ralph Gouldy, Sr. Administrator of Environmental Resources

Through:

Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources

Date:

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November 25, 2008

Subject:

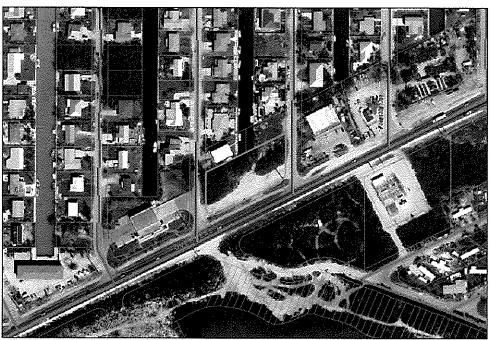
Request for approval of a Minor Conditional Use Permit by Habitat for Humanity of

Key West and the Lower Keys for property located on the Overseas Highway, between Sapphire & Emerald Drives, Big Coppitt Key, Real Estate No. 00156320.000000

Meeting: December 16, 2008

I REQUEST:

The applicant is requesting approval of a minor conditional use permit in order to construct four triplexes consisting of twelve deed-restricted, employee housing units. The applicant is also requesting that common recreation facilities be permitted as accessory uses. Finally, the applicant is requesting an extended conditional use permit of five years to assure that the construction of the public sewer project is completed and the proposed development will have the ability to connect to it.



Subject Property, Overseas Highway, Big Coppitt Key, (2006)

If approved, there would be one triplex containing three 2-bedroom, 2 ½-bath units and three triplexes containing three 3- bedroom, 2 ½-bath units per triplex. According to the site plan submitted with the application and prepared by Laird Ueberroth, RA & Associates, the 2-bedroom units would contain 997 ft² of total floor area and the 3-bedroom units would contain 1,273 ft².

Location:

Address: US 1, between Sapphire and Emerald Drives, Big Coppitt Key, MM 10.5

Legal Description: Part Tract B, Porpoise Point Section 5, PB5-119

Real Estate Number: 00156320.000000

Applicant:

Owner: Monroe County

Agent: Bob Calhoun, Habitat for Humanity of Key West and the Lower Keys

II RELEVANT PRIOR COUNTY ACTIONS:

A request for a minor conditional use permit concerning this project was heard at the October 8, 2008 Planning Commission meeting. After discussion of a related variance request by Habitat for Humanity, both the minor conditional use permit request and variance request were continued. Subsequently, both requests were withdrawn by the applicant and resubmitted with adjustments to the proposed site plan and variance request.

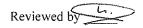
The Property Appraiser's records show the subject property was conveyed to the County in December 2005. At an October 2005 Board of County Commissioners (BOCC) meeting, the BOCC directed Housing and Community Development staff to advertise a Request for Qualifications (RFQ) for the development of ten workforce housing units on the subject property. At a December 2007 BOCC meeting, the BOCC awarded the project to Habitat for Humanity.

As part of the application submittal, the applicant has requested the Planning Commission hold a public hearing in order to provide surrounding residents with an additional opportunity to provide public input. In accordance with MCC §9.5-68(f), staff has scheduled the application for approval or denial by the Planning Commission at the December 16, 2008 meeting.

III BACKGROUND INFORMATION:

- A. Size of Site: 36,838 ft² (0.845 acres)
 - B. Land Use District: Sub Urban Commercial (SC)
- C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)
- 42 D. Tier Designation: Tier III
- 43 E. Flood Zone: AE EL 10
- 44 F. Existing Use: Vacant
- 45 G. Existing Vegetation / Habitat of Site: Scarified

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H. Community Character of Immediate Vicinity: Mixed Use-residential, commercial and public uses

IV <u>REVIEW OF APPLICATION</u>:

MCC §9.5-65 provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Planning Commission shall consider the extent to which:

A. The conditional use is consistent with the purposes, goals, objectives and standards of the comprehensive plan and the land development regulations:

The proposed development would be consistent with the purposes, goals, objectives, and standards of the MC future land use category. Policies from the Year 2010 Comprehensive Plan that directly pertain to the proposed development include:

- 1. Policy 101.4.5: The principal purpose of the future Mixed Use/Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. In addition, employee housing and commercial apartments are permitted.
- 2. Policy 105.2.7: Monroe County shall implement an acquisition program to acquire privately owned vacant lands disturbed or scarified properties for affordable housing within areas designated as an Infill Area (Tier III).
- B. The conditional use is consistent with the community character of the immediate vicinity:

The immediate vicinity consists of a mix of uses including residential to the north of US 1, commercial and public uses on US 1, and another Habitat for Humanity project containing 18 units approximately 800 feet to the northeast on US 1 under construction. The conditional use would be consistent with the surrounding community character.

C. The design of the proposed development minimizes adverse effects, including visual impacts, on adjacent properties:

Two of the proposed buildings are oriented with the front of the buildings facing Sapphire Drive while the other two proposed buildings are oriented with the fronts facing Emerald Drive. Although the four buildings are oriented in somewhat of a nontraditional configuration, the rear of the units would all be facing the open space area, which could create a sense of community.

Furthermore, the applicant states that the design of the proposed four buildings would reflect existing neighborhood design and "Key West-style" architecture. Therefore, the proposed project would not have an adverse visual or aesthetic effect on adjacent properties.

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Finally, visual impacts to the surrounding area would be reduced by the installation of a proposed five (5)-foot solid fence around the periphery of the property and required landscaping.

D. The proposed use will have an adverse impact on the value of surrounding properties:

It is not anticipated that the proposed project would have an adverse impact on the value of the surrounding properties.

E. The adequacy of public facilities and services:

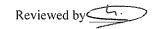
1. Roads:

Localized Impacts & Access Management: Access to the development would be from Sapphire Drive and Emerald Drive. The proposed access drive off Sapphire Drive would serve the triplex containing the 2-bedroom units and one of the triplexes containing the 3-bedroom units. The proposed access drive off Emerald Drive would serve the remaining two triplexes containing the 3-bedroom units. There would be no direct access to or from US 1.

Level of Service (LOS): The applicant submitted a traffic analysis report indicating the proposed development would generate approximately 70 trips per weekday. The trips would be split between the driveways on Sapphire and Emerald Drives.

The County's traffic consultant has reviewed the applicant's traffic analysis report and approved its conclusions regarding trip generation and found that level of service along US 1 would have adequate capacity..

- 2. Stormwater: The applicant shall coordinate with the County Engineer and/or South Florida Water Management District (SFWMD) to determine compliance. The applicant submitted drainage calculations prepared by Laird Ueberroth, RA & Associates.
- 3. Sewer: The applicant shall coordinate with the Monroe County Health Department and/or the Florida Department of Environmental Protection (FDEP) to determine compliance. The applicant has stated in their application that "sewer is under construction or will be created at the developer's expense". Furthermore, the applicant indicates that by the time this proposed project built the central sewer will have been installed by the County.
- 4. Emergency Management: The applicant shall coordinate with the Office of the Fire Marshal to determine compliance with the Florida Fire Prevention Code, the National Fire Protection Code and the Life Safety Code. The Office of the Fire Marshal has also reviewed and accepted the site plan and the 50-foot fire truck turning radius.



F. The Applicant has the financial and technical capacity to complete the development as proposed:

Habitat for Humanity is experienced in the development and construction of affordable employee housing. Staff has no evidence to support or disprove the applicant's financial and technical capacity.

G. The development will adversely affect a known archaeological, historical or cultural resource:

The proposed development would not adversely affect a known archaeological, historical or cultural resource.

H. Public access to public beaches and other waterfront areas is preserved as part of the proposed development:

Public access means the ability of the public to physically reach, enter or use beaches and shores. The subject property contains an approximate 50-foot wide canal to the rear of the property. As this property is undeveloped, access to the canal has been unavailable. The applicant is proposing an open space area that would be adjacent to the canal. In addition, the applicant has shown on the site plan an elevated observation platform overlooking the canal. However, there would be no dockage or boat access to the water.

- I. The project complies with all additional standards imposed on it by the Land Development Regulations:
 - 1. Residential Rate of Growth Ordinance (ROGO) (§9.5-120): In compliance.

The project shall require 12 affordable housing unit allocations. Resolution No. 184-2007 (extension) and Resolution No. 47-2008 were approved by the Board of County Commissioners for the ROGO allocations.

2. Non-Residential Rate of Growth Ordinance (NROGO) (§9.5-124): In compliance.

No non-residential floor area is existing or proposed.

3. Purpose of the SC District (§9.5-206): *In compliance*.

The purpose of the SC District is to establish areas suitable for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located.

4. Permitted Uses (§9.5-235): In compliance following the receipt of required conditional use permit.

In the SC District, attached residential dwellings involving six (6) to 18 units, designated as employee housing as provided for in MCC§ 9.5-266 may be permitted with a minor conditional use permit.

5. Residential Density (§9.5-262): In compliance.

Land Use Intensity:

Land Use	Max Net	Size of Site	Max	Proposed	Potential
	Density		Allowed		Used
Employee Housing	18 units /	0.845 total acres /	12 units	12 units	100%
	buildable	0.68 buildable			
	acre	acres			

Pursuant to MCC §9.5-266, notwithstanding the density limitations in MCC §9.5-262, employee housing on parcels classified as SC may be developed at an intensity up to a maximum net residential density of 18 dwelling units per buildable acre.

6. Required Open Space (§9.5-262 & §9.5-347): *In compliance*.

In the SC District, there is a required open space ratio of 0.20 or 20%. Within the shoreline setback, there is an open space ratio of 0.40 or 40%.

The proposed site plan states the parcel size as 36,838 ft² with development comprising 18,403 ft², or 50%. While it appears that the sidewalk areas may not have been included in the development totals, it is evident that the open space requirements shall be met.

7. Minimum Yards (§9.5-281 & §9.5-349): In compliance following the approval of the associated variance.

The required setbacks in the SC District are as follows: Front yard -25 feet; Rear yard -10 feet; and Side yard -10/15 feet (where 10 feet is the required side yard for one side and 15 feet is the minimum total of both side yards).

The property has required front yard setbacks of 25 feet along the rights-of-way of US 1, Sapphire Drive and Emerald Drive. There is a 10 foot rear yard setback along the non-shoreline portion of the property line to the north.

The applicant has submitted a variance request to allow two of the buildings to be partially located in the front yard setback along US 1 and to allow the overflow parking spaces to be located in the front yard setbacks along Sapphire Drive and Emerald Drive.

 8. Maximum Height (§9.5-283): Full compliance to be determined by submittal to the Building Department.

The site plan shows the existing crown of US 1 as 3.52 feet. The building elevations indicate that the maximum building height would be approximately 32 feet, 11 ½ inches from the crown of US 1 to the finished ridge of the building.

- 9. Surface Water Management Criteria (§9.5-293): Compliance to be determined by the County Engineer or South Florida Water Management District prior to issuance of a building permit.
- 10. Wastewater Treatment Criteria (§9.5-294): Compliance to be determined by Florida Department of Health or Florida Department of Environmental Protection prior to the issuance of a building permit.
- 11. Fencing (§9.5-309): Compliance to be determined upon submittal to Building Department.

The applicant is proposing a five-foot high, masonry fence around the entire parcel. Compliance of the fence with height, setback and clear sight triangle requirements will be determined upon submittal of a building permit to the Building Department.

12. Floodplain Management (§9.5-316.1 & §9.5-317.1): Compliance to be determined upon submittal to Building Department.

The site is designated within AE - EL 10 flood zone on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All new structures must be built to floodplain management standards that meet or exceed those for flood protection. New construction of any residential structure within an AE flood zone shall have the lowest floor elevated to or above base flood level, or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water-tight.

13. Energy Conservation Standards (§9.5-326): *In compliance*.

The applicant has indicated that all water dispensers will be high efficiency conservation devices. In addition, the buildings will be constructed to conserve energy through the utilization of ceiling fans, insulation, overhangs, and canopy trees. The landscaping plan shows approximately 100% of the species to be native, which would reduce the requirements for water and maintenance and the installation of several shade trees. The buildings will provide structural shading.

14. Potable Water Conservation Standards (§9.5-327): Compliance to be determined upon submittal to Building Department.

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15. Required Parking (§9.5-352): In compliance.

Required Parking:

Specific Use	Multiplier	Proposed	Required Spaces
Employee Housing	1.5 spaces / employee housing unit	29 spaces	18 spaces

For each unit there would be one parking space under the first floor and one space outside in front of each unit. The site plan also shows there would be four (4) overflow parking spaces if a variance is approved.

16. Required Landscaping (§9.5-361, §9.5-362, §9.5-363 & §9.5-364): In compliance.

Parking is indicated as beneath each building. There would be two overflow parking lots of two spaces each. There is no requirement for parking lot landscaping when less than six spaces are proposed in a given lot.

17. Required Buffer-yards (§9.5-377, §9.5-378 & §9.5-379): In compliance.

A Class 'D' district boundary bufferyard is required between the SC development and the IS district to the north. The applicant has proposed 80% of the required width for the bufferyard, as allowed when a solid fence is provided. The proposed vegetation is 100% native.

Required Street Trees along Emerald and Sapphire Drives would be provided.

A Class 'C' major street bufferyard is required along US 1. The applicant has proposed a 25 foot wide bufferyard. However, due to encroachment of two of the structures, as well as drives, into this area, the planting requirements of a 20 foot wide bufferyard will be required, consisting of 11 canopy trees, 5 understory trees, and 45 shrubs, increasing what is proposed by 1 canopy tree and 40 shrubs. The proposed vegetation is 100% native.

18. Shoreline Setbacks (§9.5-349): *In compliance*.

A setback of 20 feet is required for principal structures adjacent to manmade canals, which is shown on the revised site plan.

- 19. Outdoor Lighting (§9.5-391, §9.5-392 & §9.5-393): Compliance to be determined upon submittal to Building Department.
- 20. Access Standards (§9.5-421 §9.5-422 & §9.5-427): Compliance to be determined upon submittal to Building Department.

Direct access shall be provided to the property by way of Sapphire Drive and Emerald Drive. There would be no direct access to or from US 1.

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21. Traffic Study (§9.5-426): In compliance.

A certified traffic report was submitted and is under review by the County's traffic consultant. The report concludes the twelve (12)-unit development would add seventy (70) daily trips per day, which has been verified by the County's traffic consultant as well as the sight triangles. The traffic consultant also noted that the vehicle maneuverability details were not included on the most recent site plan and if the minor conditional use permit is approved, there should be a condition that the applicant will provide the vehicle maneuverability details (has been conditioned as Condition C).

- 22. Clear Sight Triangle (§9.5-427): Compliance to be determined upon submittal to Building Department.
- 23. Chapter 533, Florida Statutes: Full compliance to be determined upon submittal to the Building Department.

V RECOMMENDED ACTION:

Staff recommends APPROVAL of the minor conditional use permit to the Planning Commission with the following conditions:

- A. Prior to the issuance of a resolution by the Planning Commission, a) the applicant shall receive a variance to the setback and/or bufferyard requirements from the Planning Commission in accordance with §9.5-524 of the Monroe County Code or b) the Applicant shall revise the site plan to show that all setback and bufferyard regulations shall be met.
- B. Prior to the issuance of a resolution by the Planning Commission, the applicant shall provide to the Department of Planning and Environmental Resources a Letter of Coordination from the Office of the Fire Marshal accepting the fifty (50)-foot fire truck turning radius as shown on the site plan dated October 14, 2008.
- C. Prior to the issuance of a resolution by the Planning Commission, the County's traffic consultant shall provide written approval to the Department of Planning and Environmental Resources regarding vehicle maneuverability details provided by the applicant.
- D. Prior to the issuance of a building permit, the proposed development and buildings shall be found in compliance by the Monroe County Building Department, the Monroe County Floodplain Administrator, the Monroe County Engineer and the Monroe County Office of the Fire Marshal.
- E. All of the employee housing units shall be deed restricted as affordable employee housing units as set forth in §9.5-266 of the Monroe County Code. Occupants of the

- employee housing units must meet all requirements for occupancy of employee housing and affordable housing as set forth in the Monroe County Code.
 - F. A disclosure/notice should be signed for each sale or rental of any property in the 60 DNL and higher and shall be submitted to the Monroe County Planning Department and filed with the Monroe County Clerk of Courts with a recorded copy provided to NAS Key West.
 - G. All residential structures in the 65 DNL and higher shall be required to use the most current sound attenuation technology to achieve a NLR of a minimum of 25 dB.
 - H. An Avigation Easement shall be filed with the Monroe County Clerk of Courts with a recorded copy provided to NAS Key West.

VI PLANS REVIEWED:

- A. Site Plan (S-1) by Laird Ueberroth, RA & Associates, dated October 14, 2008;
- B. Landscape Plan (L-1) by Laird Ueberroth, RA & Associates, dated October 10, 2008;
- C. Two Bedroom Triplex Unit Plans (A-5-A-8) by Laird Ueberroth, RA & Associates, dated August 15, 2008;
- D. Three Bedroom Triplex Unit Plans (A-15-A-18) by Laird Ueberroth, RA & Associates, dated June 8, 2008;
- E. Boundary Survey by R.E. Reece, P.A. dated September 15, 2005;